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# Merchant & Gould

An Intellectual Property Law Firm

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A Professional Corporation

Fax Transmission

9 March 2007

TO:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FROM: Gregory A. Sebald

OUR REF: 12684.0015USWO

TELEPHONE: 612.336.4728

Total pages, including cover letter: 7

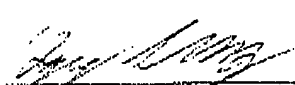
PTO FAX NUMBER 1-571-273-8300

If you do NOT receive all of the pages, please telephone us at 612.332.5300, or fax us at 612.332.9081.

Title of Document Transmitted: Communication Regarding Reconsideration of Petition,  
Petition for Extension of Time, Copy of  
Decision from USPTO, German Court  
Order, English Translation of Court Order

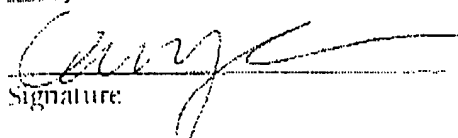
Applicant: WALDNER et al.  
Serial No.: 10/538,515  
Filed: 9 June 2005  
Group Art Unit: Unknown  
Our Ref. No. 12684.0015USWO  
Confirmation No. 2315

Please charge Deposit Account No. 13-2725 for the following item(s): \$1020.00 for Extension for response within third month. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By:   
Name: Gregory A. Sebald  
Reg. No.: 33,280

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Casey Caron

  
Signature

9 March 2007  
Date

GEN03A.DOT

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S/N 10/538,515

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	WALDNER et al.	Examiner:	Unknown
Serial No.:	10/538,515	Group Art Unit:	Unknown
Filed:	9 June 2005	Docket No.:	12684.0015USWO
Title:	INHALATION THERAPY DEVICE		

CERTIFICATE UNDER 37 C.F.R. 1.600:

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on 9 March 2007.

By: 

Name: Casey Canon

COMMUNICATION REGARDING RECONSIDERATION OF THE PETITION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

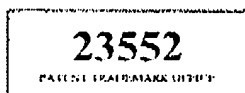
Dear Commissioner:

Applicants respectfully request reconsideration of the Petition filed on 9 August 2006. Enclosed please find a copy of the certified German court order along with the necessary English Translation. In view of submission of the English translation applicants respectfully request acceptance of the Petition Under 37 C.F.R. 1.82 mailed on 9 August 2007 for completion of this application.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Gregory A. Sebald (Reg. No. 33,280), at (612) 336-4728.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300



Dated: 9 March 2007

By: 

Gregory A. Sebald

Reg. No. 33,280

GAS/ejc



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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03 NOV 2006

23552  
MERCHANT & GOULD PC  
P.O. Box 2903  
Minneapolis, MN 55402-0903In re Application of  
WALDNER *et al*  
Application No.: 10/538,515  
PCT No.: PCT/EP03/13959  
Int. Filing Date: 09 December 2003  
Priority Date: 09 December 2002  
Attorney Docket No.: 12684.0015USWO ✓  
For: INHALATION THERAPY DEVICEReg. for Reconsideration  
2mo Jan 3, 2007  
Stat May 3, 2007 D1

## DECISION

This decision is in response to the "Petition Under 37 C.F.R. §1.182" to change the name of an inventor filed 09 August 2006.

BACKGROUND

On 14 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 10 November 2005, applicants filed an executed declaration and surcharge fee. The name of the second named inventor was listed as Daniela MUNDENBRUCH on the declaration. However, the surname was listed as HAUSER on the international publication.

On 14 July 2006, a communication was mailed notifying applicant that the declaration was not in compliance with 37 CFR 1.497 and were given one month to provide an acceptable declaration, or file a petition to change the name of the inventor.

On 09 August 2006, applicants filed the subject petition which was accompanied by, *inter alia*, a certified copy of a German court order and the \$400.00 petition fee.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the Manual of Patent Examining Procedures (MPEP) states, in part:

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The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

In the response filed 09 August 2006, applicants' petition to change the name of the second inventor and have provided the requisite \$400.00 petition fee and a certified copy of the court order as required.

This evidence would have been acceptable for a grantable petition.

However, the court order submitted to the Office as the required proof needed for a grantable petition is in German without an English translation. The Office does not accept foreign language documents as evidence without an accompanying English translation.

#### CONCLUSION

For the reason discussed above, applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

The declaration filed 10 November 2005 is still not in compliance with 37 CFR 1.497(a) and (b).

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Certified copy - excerpt\*) - from the Family Registry Mundenbruch

Married name (if applicable: last name of the husband)

Häuser

Birth name of the other spouse (if appl., last name of the wife)

<b>1. Husband</b>		<b>Last name</b>	<b>2. Wife</b>
Dipl.-Ing. <sup>1</sup> (FH*) Mundenbruch -/-		Prior to marriage	Dipl.-Ing. Häuser -/-
Michael Thomas Erich -/-		First names	Daniela -/-
Engineer for physical technology -/-		Occupation	Engineer for machine construction -/-
October 17, 1967 -/-		Date of birth	November 13, 1970
Munich -/-		Place of birth	Salzgitter -/-
IV Munich, now Munich, 5049/1967		Civil registry office, no.	Salzgitter-Lebenstedt, now Salzgitter, 907/1970 -/-
-/-		Reason for the entry	-/-
<b>3. Marriage</b>			
of 1 and 2: marriage date and place: November 21, 2003, Munich -/-			
basis for the entry: marriage license no. 405, civil registry office Munich-Pasing -/-			
<b>4. Parents of the husband</b>		<b>5. Parents of the wife</b>	
Father: -/-	Last name, first names, residence or last residence	Father: -/-	
Mother: -/-	Last name, first names, residence or last residence	Mother: -/-	
Reason for the entry			
6: Filed: one intermediate line -/-		Munich, November 21, 2003	
[ seal ]		the registrar	
		Grieger	
<b>7. Entry concerning nationality of the spouses and proof:</b>			
-/-		-/-	
8. Death - date, place, civil registry office and no., death certificate, determination of time of death of the spouse - time of death, court, file, no. Divorce, annulment, invalidity, determination of the non-existence of the marriage - date of effectiveness, court, file, no.			
-/-		-/- further entries concerning the spouses see column 10	
<b>9: Children:</b>		Changes in family status and names, marriage: first and last name of the spouses, date, place, civil registry office and no. or death - date, place, civil registry office and no., death certificate, determination of time of death - time of death, court, file no.	
-/-		-/-	
<b>10. Additional entries concerning the spouses and the children:</b> The spouses agree to the last name Mundenbruch.			
Dated: 11/21/2003, the registrar			
[seal] civil registry office / Bavaria / Munich-Pasing		Grieger	

The consistency of the copy - the excerpt\*) with the entries in the family registry is hereby certified  
Munich, dated November 21, 2003  
The registrar  
[signature]

\*) Excerpt out non-applicable  
certified copy - excerpt - of the family registry  
(equivalent to register, issue of document)  
order no. 13/414 ("complete" 100)  
Verlag fuer Standesamtswesen GmbH, Frankfurt am Main - Berlin

<sup>1</sup> Dipl.-Ing. -- Graduate Engineer  
<sup>2</sup> Technical College

31/07/2006 10:45 +49-8151-279-104

PARI GMBH

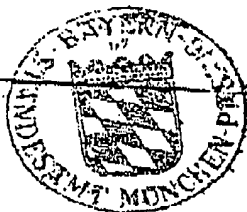
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S. 02

Beglaubigte Abschrift - Auszug\*) - aus dem Familienbuch

Lx

1. Ehemann:		2. Ehefrau:	
Dipl.-Ing. (FH) Mundenbruch -/-	Familienname v. d. Besch.	Dipl.-Ing. Häuser -/-	
Michael Thomas Erich -/-	Vorname:	Daniela -/-	
Ingenieur für physikalische Technik	Beruf:	Maschinenbauingenieurin -/-	
17. Oktober 1967 -/-	Geburtsort:	13. November 1970 -/-	
München -/-	Geburtsort:	Salzgitter -/-	
IV München, jetzt München, 5049/1967	Standesamt, Nr.	Salzgitter-Lebenstedt, jetzt	
-/-		Salzgitter, 907/1970 -/-	
-/-	Grundlage der Eintragung	-/-	
3. Eheschließung von 1 und 2, Eheschließungstag, -Ort 21. November 2003, München -/-			
Grundlage der Eintragung Heiratsantrag Nr. 405, St.Amt München-Pasing -/-			
4. Eltern des Ehemannes:		5. Eltern der Ehefrau:	
Vater: -/-	Familienname, Vorname, Wohnort oder letzter Wohnort	Vater: -/-	
Mutter: -/-	Familienname, Vorname, Wohnort oder letzter Wohnort	Mutter: -/-	
6. Anspiel: Eine Zwischenzeile. -/-			
München, den 21. November 2003			
Der Standesbeamte Grieger			
7. Vermerk über die Staatsangehörigkeit der Ehegatten und Nachweis			
-/-			
8. Tod - Tag, Ort, Standesamt und Nr., Todesurkunde, Feststellung der Todeszeit der Ehegatten - Todeszeitpunkt, Gericht, Aktenzeichen, Scheidung, Aufhebung, Nichtigkeit, Feststellung des Nichtbestehens der Ehe - Tag der Rechtskraft, Gericht, Aktenzeichen			
-/-			
9. Kinder:		Weitere Vermerke über die Ehegatten siehe Seite 10	
-/-		Personenstands- und familienrechtliche Änderungen, Eheschließung: Vor- und Familienname des Ehegatten, Tag, Ort, Standesamt und Nr. oder Tod - Tag, Ort, Standesamt und Nr., Todesurkunde, Gericht, Aktenzeichen	
-/-		-/-	
10. Weitere Vermerke über die Ehegatten und die Kinder: Die Ehegatten führen den Ehenamen Mundenbruch, den			
21.11.2003. Der Standesbeamte			
Grieger			



Die Übereinstimmung der Abschrift - des Auszuges\*) - mit den Einträgen im Familienbuch wird hiermit beglaubigt.

München, den 21. November 2003

Der Standesbeamte

\*) Nichtöffentliches Schreiben

Beglaubigte Abschrift - Auszug - aus dem Familienbuch (z. B. Heiratsbuch, Geburtsbuch, Sterberegister)  
 Datum: 12/214 (Kopiert am 1.10.06)  
 Verlag: Standesamtsverlag GmbH, Frankfurt am Main - Berlin

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